

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

ALDERWOOD SURGICAL CENTER, LLC, a
Washington limited liability company;
NORTHWEST NASAL SINUS CENTER P.S.,
a Washington professional service corporation;
and JAVAD A. SAJAN, M.D.,

Defendants.

NO. 2:22-cv-01835-RSM

**DECLARATION OF JAMES SANDERS
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO MOTION FOR
PROTECTIVE ORDER**

NOTE ON MOTION CALENDAR:
Friday, April 19, 2024

I, James Sanders, declare and state as follows:

1. The information contained in this declaration is true and correct to the best of my knowledge, and I am of majority age and competent to testify about the matters set forth herein.

2. I am a Partner with Perkins Coie LLP, and I represent Defendants Alderwood Surgical Center, LLC, Northwest Nasal Sinus Center P.S. and Javad A. Sajjan, M.D. (collectively "Defendants") in the above-entitled action. I submit this declaration in support of Defendants' Opposition to Plaintiff's Motion for Protective Order.

3. Attached as **Exhibit 1** is a true and correct copy of documents produced by Plaintiff in discovery, bates marked WA-AG-ALLURE00005523-26, 5070, 5360-72, 5382-86, 5391-95, 5399-5406, 5509-15, 5518-22, and 5527-28.

1 4. Attached as **Exhibit 2** is a true and correct copy of excerpts from the Deposition
2 of William A. Portuese, M.D., taken by certified court reporter Kristin L. Mattsen on October
3 25, 2023 in Seattle, Washington.

4 5. Attached as **Exhibit 3** is a true and correct copy of a document Defendants
5 received through a public records request, bates marked as TL-01599-1601 (PRR-2023-0026).

6 6. Attached as **Exhibit 4** is a true and correct copy of a printout from the Washington
7 Public Disclosure Commission's website, showing contributions by Dr. William Portuese to
8 Attorney General Ferguson. This information is publicly searchable at,
9 <https://www.pdc.wa.gov/political-disclosure-reporting-data/browse-search-data/contributions>.

10 7. Attached as **Exhibit 5** is a true and correct copy of a document Defendants
11 received through a public records request, bates marked as TL-00001-8 (PRR-2023-0026).

12 8. Attached as **Exhibit 6** is a true and correct copy of an excerpt of the State's
13 September 21, 2023 Responses to Defendants' Second Requests for Admission to Plaintiff State
14 of Washington.

15 9. Attached as **Exhibit 7** is a true and correct copy of documents produced by
16 Plaintiff in discovery, bates marked WA-AG-ALLURE00005121-22. Based on my review of
17 documents produced by Plaintiff, my understanding is that Plaintiff's lead investigator first
18 contacted patient witnesses in August 2021. **Exhibit 7** is one of the communications I identified
19 from August 2021.

20 10. **Exhibit 8** is deliberately omitted.

21 11. Attached as **Exhibit 9** is a true and correct copy of a 2019 email exchange
22 between Dr. William Portuese and Josh King (General Counsel for RealSelf.com), received in
23 response to a subpoena duces tecum and bates marked as REALSELF_LIT_00003-4.

24 12. **Exhibit 10** is deliberately omitted.

25 13. Attached as **Exhibit 11** is a true and correct copy of Defendant Alderwood
26 Surgical Center's Requests for Production to Plaintiff State of Washington.

1 14. Attached as **Exhibit 12** is a true and correct copy of an excerpt of the State's May
2 19, 2023 Responses to Defendant Alderwood Surgical Center's Requests for Production to
3 Plaintiff State of Washington.

4 15. Attached as **Exhibit 13** is a true and correct copy of Plaintiff's Initial Disclosures.

5 16. **Exhibit 14** is deliberately omitted.

6 17. **Exhibit 15** is deliberately omitted.

7 18. Attached as **Exhibit 16** is a true and correct copy of excerpts from the Deposition
8 of Victoria Hester, taken by certified court reporter Cheryl Macdonald on October 18, 2023 in
9 Seattle, Washington.

10 19. Attached as **Exhibit 17** is a true and correct copy of a document produced by
11 Plaintiff in discovery, bates marked WA-AG-ALLURE00003768-82.

12 20. Attached as **Exhibit 18** is a true and correct copy of excerpts from the Deposition
13 of Chanel Viner, taken by certified court reporter Cheryl Macdonald on April 3, 2024 by Zoom.

14 21. Attached as **Exhibit 19** is a true and correct copy of a document produced by
15 Plaintiff in discovery, bates marked WA-AG-ALLURE00018125-31.

16 22. Attached as **Exhibit 20** is a true and correct copy of a document produced by
17 Plaintiff in discovery, bates marked WA-AG-ALLURE00018333-45.

18 23. Attached as **Exhibit 21** is a true and correct copy of excerpts from the Deposition
19 of Matthew Russell, taken by certified court reporter Cheryl Macdonald on November 21, 2023,
20 in Seattle, Washington.

21 24. Attached as **Exhibits 22-24** are true and correct copies of emails between Plaintiff
22 and Defendants regarding Defendants' Rule 30(b)(6) deposition notice.

23 25. Attached as **Exhibit 25** is a true and correct copy of a document produced by
24 Plaintiff in discovery, bates marked WA-AG-ALLURE00019461-87. On May 19, 2023, the
25 WAG produced a March 2, 2020 letter sent to them by Dr. William Portuese. It was not until
26 September 7, 2023 that Plaintiff produced 41 communications between Plaintiff and Dr.

1 Portuese. Plaintiff produced calendar entries of meetings between it and Dr. Portuese's attorney
2 on February 29, 2024.

3 I declare under penalty of perjury and the laws of the State of Washington that the
4 foregoing is true and correct.

5 DATED this 17th day of April 2024, at Seattle, Washington.

6 By: /s/ James Sanders
James Sanders, WSBA #24565

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on April 17, 2024, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notification of the filing to the email addresses indicated on the Court's Electronic Mail Notice List.

s/Kyle D. Nelson

Kyle D. Nelson, WSBA #49981

KyleNelson@perkinscoie.com